

ENTERED

August 16, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ARNOLD D MORGAN JR.,

Plaintiff,

VS.

F. ALEMENDIZ,

Defendant.

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CIVIL NO. 2:17-CV-00196

ORDER

Before the Court are the August 15, 2017, and October 17, 2017, Memorandum and Recommendations (singularly, "M&R") of the Magistrate Judge to whom this case was referred. Dkt. Nos. 11 & 15. The Court **DISMISSES WITH PREJUDICE** Plaintiff's action and **DIRECTS** the Clerk of the Court to forward a copy of this Order to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

I. August 15, 2017, M&R

The August 15, 2017, M&R recommends that the Court dismiss with prejudice Plaintiff's action "for failure to state a claim and/or as frivolous" pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). Dkt. No. 11 at 7. No party filed an objection to the M&R. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections); FED. R. CIV. P. 72(b)(2) (same); *see also* Dkt. No. 11 at 8 (advising parties of the 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety. Dkt. No. 11.

II. October 17, 2017, M&R

The October 17, 2017, M&R, Dkt. No. 15, recommends that the Court deny Plaintiff's September 5, 2017, motion for appointment of counsel, Dkt. No. 13. No party filed an objection to the M&R. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections); FED. R. CIV. P. 72(b)(2) (same).

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety. Dkt. No. 15.

III. Conclusion

In conclusion, the Court:

- **DISMISSES WITH PREJUDICE** Plaintiff's action, and
- **DIRECTS** the Clerk of the Court to forward a copy of this Order to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

The Court will direct entry of final judgment separately.

SIGNED this 16th day of August, 2018.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge